

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

- - -

Harry G. Beyoglides, Jr.,  
Special Administrator of the  
Estate of Robert Andrew  
Richardson, Sr., Deceased,  
Plaintiff,

vs.

Case No. 3:14-CV-00158

Phil Plummer/Montgomery County  
Sheriff, et al.,  
Defendants

- - -

DEPOSITION OF KEITH MAYES

the Defendant herein, called by the Plaintiff under the  
applicable Rules of Civil Procedure, taken before me,  
Whitney Layne, a Notary Public for the State of Ohio, at  
the law firm of Dinkler & Pregon, 5335 Far Hills Avenue,  
Suite 117, Dayton, Ohio 45429 on November 17, 2015 at  
10:00 a.m.

LAYNE & ASSOCIATES  
6723 COOPERSTONE DRIVE  
DUBLIN, OHIO 43017  
614-309-1669

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| <p>1 APPEARANCES</p> <p>2</p> <p>3 NICHOLAS DICELLO, ESQUIRE</p> <p>4 SPANGENBERG, SHIBLEY &amp; LIBER</p> <p>5 1001 Lakeside Avenue</p> <p>6 Suite 1700</p> <p>7 Cleveland, Ohio 44114</p> <p>8 on behalf of the Plaintiff</p> <p>9</p> <p>10 JAMEY PREGON, ESQUIRE</p> <p>11 DINKLER &amp; PREGON</p> <p>12 5335 Far Hills Avenue</p> <p>13 Suite 123</p> <p>14 Dayton, Ohio 45429</p> <p>15 on behalf of the Sheriff</p> <p>16 Defendants</p> <p>17</p> <p>18 CARRIE STARTS, ESQUIRE</p> <p>19 REMINGER CO., LPA</p> <p>20 525 Vine Street</p> <p>21 Suite 1700</p> <p>22 Cincinnati, Ohio 45202</p> <p>23 on behalf of the Defendants</p> <p>24 NaphCare, Inc., Nurse Felicia Foster,</p> <p>Nurse Jon Boehringer, Nurse Krisandra</p> <p>Miles, Medic Steven Stockhauser,</p> <p>and Brenda Garrett Ellis, M.D.</p> <p>ANNE M. JAGIELSKI, ESQUIRE</p> <p>ASSISTANT PROSECUTING ATTORNEY</p> <p>301 West Third Street</p> <p>4th Floor</p> <p>Dayton, Ohio 45422</p> <p>on behalf of the Defendant</p> <p>Montgomery County Sheriff's Office</p> <p>Page 2</p> | <p>1 EXAMINATION INDEX</p> <p>2</p> <p>3 KEITH MAYES</p> <p>4 BY MR. DICELLO.....Page 5</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>Page 4</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p>1 November 17, 2015</p> <p>2 Tuesday Session</p> <p>3 10:00 a.m.</p> <p>4 - - -</p> <p>5 STIPULATIONS</p> <p>6</p> <p>7 It is stipulated by and among counsel for the</p> <p>8 respective parties that the deposition of KEITH MAYES, the</p> <p>9 Defendant herein, called by the Plaintiff under the</p> <p>10 applicable Rules of Civil Procedure, may be taken at this</p> <p>11 time by the notary Whitney Layne; that said deposition may</p> <p>12 be reduced to writing in stenotypy by the notary, whose</p> <p>13 notes thereafter may be transcribed out of the presence of</p> <p>14 the witness; and that the proof of the official character</p> <p>15 and qualification of the notary is waived.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>Page 3</p>                                                                                                                                                                                                                                     | <p>1 KEITH MAYES</p> <p>2 Being first duly sworn, as hereinafter</p> <p>3 certified, deposes and says as follows:</p> <p>4 CROSS-EXAMINTION</p> <p>5 BY MR. DICELLO:</p> <p>6 Q Good morning. Could you please state your name</p> <p>7 for the record and spell your last name?</p> <p>8 A Keith Mayes, M-A-Y-E-S.</p> <p>9 Q Officer Mayes, my name is Nick DiCello. We had</p> <p>10 a chance to meet off the record. You understand you're</p> <p>11 here for your deposition today?</p> <p>12 A Yes, sir.</p> <p>13 Q You understand you're here for the deposition</p> <p>14 involving the death of a former detainee at the Montgomery</p> <p>15 County Jail by the name of Robert Richardson back in 2012?</p> <p>16 A Yes.</p> <p>17 Q Have you ever been deposed before?</p> <p>18 A No, sir.</p> <p>19 Q Couple of rules for today's deposition. I</p> <p>20 don't expect it will take long. But if you do need a</p> <p>21 break at any time, just let me know. If a question is</p> <p>22 pending, I would ask that you answer it first and then ask</p> <p>23 for a break, okay?</p> <p>24 A Yes, sir.</p> <p>Page 5</p> |

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| <p>1 Q Everything we say is being taken down by the</p> <p>2 court reporter, so your answers have to be audible; yes,</p> <p>3 no, instead of shrugs of the shoulders and uh-huhs and</p> <p>4 huh-uhs, okay?</p> <p>5 A Yes, sir.</p> <p>6 Q I'll ask the questions, you'll provide the</p> <p>7 answers, okay?</p> <p>8 A Yes, sir.</p> <p>9 Q If you don't understand a question that I've</p> <p>10 asked, will you tell me that?</p> <p>11 A Yes, sir.</p> <p>12 Q Given that understanding we have, if you answer</p> <p>13 a question that I've asked, I'm going to assume that you</p> <p>14 understood it. Is that fair?</p> <p>15 A That's fair.</p> <p>16 Q We have to make sure not to talk over one</p> <p>17 another, which you're doing a nice job of so far, so</p> <p>18 Whitney can take everything we say down.</p> <p>19 A Can I ask for one thing?</p> <p>20 Q Sure.</p> <p>21 A Can you speak a little louder? I'm a little</p> <p>22 hard of hearing.</p> <p>23 Q Yes. Let me know, if I don't keep my voice up,</p> <p>24 let me know. It's important that you hear the questions.</p> <p style="text-align: right;">Page 6</p> | <p>1 corrections?</p> <p>2 A 2006.</p> <p>3 Q Why the decision to move into corrections at</p> <p>4 that point?</p> <p>5 A Well, I was unemployed. I worked for Daily,</p> <p>6 and they did -- they did budget cuts, and I was a budget</p> <p>7 that they cut. So --</p> <p>8 Q Did you have any interest in law enforcement or</p> <p>9 corrections or --</p> <p>10 A No. A friend of mine just said that they're</p> <p>11 hiring, so I applied.</p> <p>12 Q As of May 2012, what watch were you working; do</p> <p>13 you remember?</p> <p>14 A Third watch.</p> <p>15 Q Third watch is second shift?</p> <p>16 A It's 3:30 in the afternoon to 11:30 at night.</p> <p>17 Q Okay. And what was your assignment on that</p> <p>18 day? We determined that was a Saturday if that helps jog</p> <p>19 your memory. What was your assignment that day; do you</p> <p>20 remember?</p> <p>21 A I was classification officer.</p> <p>22 Q And did you work on a particular floor or area</p> <p>23 of the jail when you were assigned to that?</p> <p>24 A No. Classification office is the desk -- is on</p> <p style="text-align: right;">Page 8</p>                                                                                                                                                                                                                                                               |
| <p>1 A Yes, sir.</p> <p>2 Q You understand you're under oath today?</p> <p>3 A Yes, sir.</p> <p>4 Q You understand the oath you're under today will</p> <p>5 be the same kind of oath that you're under at the trial of</p> <p>6 this matter in front of a jury and the Court?</p> <p>7 A Yes, sir.</p> <p>8 Q You understand that I'm going to be relying on</p> <p>9 your answers today in connection with this lawsuit?</p> <p>10 A Yes, sir.</p> <p>11 Q You are a corrections officer with Montgomery</p> <p>12 County?</p> <p>13 A Yes, sir.</p> <p>14 Q How long have you been a CO?</p> <p>15 A Nine and a half years.</p> <p>16 Q And has that all been here in Montgomery</p> <p>17 County?</p> <p>18 A Yes, sir.</p> <p>19 Q So what did you do in your former life?</p> <p>20 A Worked for Daily Express Trucking Company. It</p> <p>21 was an oversized trucking company. I worked there for</p> <p>22 eight years. And before that, I worked at Super Value</p> <p>23 Distribution Center. I was a dispatcher for the truckers.</p> <p>24 Q So what year did you decide to go into</p> <p style="text-align: right;">Page 7</p>           | <p>1 the platform by the records. I have an assigned area I</p> <p>2 have to stay in. Well, not stay in, but where my</p> <p>3 computers are, the LEADS terminal, I have to run people in</p> <p>4 LEADS and also access the computers I need to house people</p> <p>5 with.</p> <p>6 Q So tell me, when you're in classification, it</p> <p>7 sounds obvious, but tell me, what does that shift -- what</p> <p>8 are the responsibilities when you're assigned to that</p> <p>9 detail on a shift?</p> <p>10 A Well, like I just said, when an inmate comes</p> <p>11 in, a person comes in, I have to run them through LEADS to</p> <p>12 check their history, criminal history. Some of them don't</p> <p>13 have any, some have a lot.</p> <p>14 Q Yep.</p> <p>15 A And then I have to check if they've been there</p> <p>16 before, I check their past screens, see what kind of a</p> <p>17 person they are as far as if they're assaultive,</p> <p>18 combative, you know, whatever kind of person they are. We</p> <p>19 have people who have been there 300 times and never hear a</p> <p>20 peep out of them. And I check their past history in the</p> <p>21 jail as far as their behavior, and then assign their</p> <p>22 housing. And I make a dressing list for the dressing</p> <p>23 officer.</p> <p>24 Q We know that Mr. Robert Richardson as of May</p> <p style="text-align: right;">Page 9</p> |

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| <p>1 19th, 2012 was on the D Pod. Is that consistent with your</p> <p>2 recollection?</p> <p>3 A Yes, sir.</p> <p>4 Q So for somebody who has now explained to me how</p> <p>5 to go about classifying detainees or inmates at the jail,</p> <p>6 what kind of folks are put on D Pod?</p> <p>7 A The pods, there's four pods in the jail. Bravo</p> <p>8 Pod is workers, so I can't put anybody in there. They</p> <p>9 have to go through a special to get in there. But Alpha,</p> <p>10 Charlie, and Delta, it's just minimum housing, people who</p> <p>11 don't have violent crimes, not violent people.</p> <p>12 Q Do you recall whether you worked Friday, May</p> <p>13 18th, 2012?</p> <p>14 A I don't remember.</p> <p>15 Q Do you recall whether or not you were involved</p> <p>16 in the classification status for Mr. Richardson in any</p> <p>17 way?</p> <p>18 A I don't remember that.</p> <p>19 Q All right.</p> <p>20 A Sorry.</p> <p>21 Q That's okay.</p> <p>22 MR. DICELLO: Can we go off the record for a</p> <p>23 minute?</p> <p>24 (Discussion held off the record.)</p> <p style="text-align: right;">Page 10</p> | <p>1 something jogs your memory, Officer Mayes, and you want to</p> <p>2 revisit an answer that you've given, that's not uncommon</p> <p>3 and I want you to do so.</p> <p>4 A Okay.</p> <p>5 Q Okay? Take the opportunity to do that and we</p> <p>6 can revisit any question or answer.</p> <p>7 Independent from your review of the records and</p> <p>8 watching the video, we're talking about something that</p> <p>9 happened back in 2012, I want to know independent of</p> <p>10 reviewing that, do you have a memory of the encounter with</p> <p>11 Robert Richardson?</p> <p>12 A Yes, sir.</p> <p>13 Q Do you remember Mr. Richardson himself?</p> <p>14 A As far as being an inmate or -- or that day?</p> <p>15 Q Let's talk about that day.</p> <p>16 A I remember the incident that happened. But as</p> <p>17 far as a one-on-one basis with him, no, I don't.</p> <p>18 Q Prior to May 19th, 2012, had you ever, that you</p> <p>19 remember, encountered Mr. Richardson at the jail?</p> <p>20 A No, sir. He didn't stand out to me.</p> <p>21 Q So when you responded to this incident on May</p> <p>22 19th, 2012, fair to say you didn't recognize</p> <p>23 Mr. Richardson?</p> <p>24 A No.</p> <p style="text-align: right;">Page 12</p> |
| <p>1 BY MR. DICELLO:</p> <p>2 Q Height and weight?</p> <p>3 A Six-four.</p> <p>4 Q I thought so.</p> <p>5 A Three hundred.</p> <p>6 Q Was that about your weight back in May 2012?</p> <p>7 A No.</p> <p>8 Q Okay. What was your weight back in May of</p> <p>9 2012?</p> <p>10 A I just had come off surgery, so I had lost some</p> <p>11 weight. So I probably weighed 275 maybe.</p> <p>12 Q We've got some records here. Let me ask you.</p> <p>13 What did you review, if anything, to prepare for today's</p> <p>14 deposition?</p> <p>15 A Just my report that I wrote.</p> <p>16 Q The narrative?</p> <p>17 A Yes, sir.</p> <p>18 Q Did you look at the video at all?</p> <p>19 A Yes, sir.</p> <p>20 Q Anything other than the video and your</p> <p>21 narrative report that you reviewed to prepare for today's</p> <p>22 deposition?</p> <p>23 A No.</p> <p>24 Q And I should have said that if at some point</p> <p style="text-align: right;">Page 11</p>                                                                                                                                                                       | <p>1 Q Yes, that's correct?</p> <p>2 A Yeah, that's correct. I'm sorry.</p> <p>3 Q That's okay.</p> <p>4 What did Mr. Richardson look like; do you</p> <p>5 remember?</p> <p>6 A A large black male. That's all I remember of</p> <p>7 him.</p> <p>8 Q When you say "large," what was your -- from</p> <p>9 your perception, how large was he? How tall? How much</p> <p>10 did he weigh?</p> <p>11 A He was a big man. I mean, by him laying on the</p> <p>12 floor -- when I got up there, he was already on the floor</p> <p>13 and handcuffed, so --</p> <p>14 Q Okay.</p> <p>15 A I mean, he was a big man. He was big chested</p> <p>16 and -- kind of like myself. I'm not small --</p> <p>17 Q Okay.</p> <p>18 A -- by any means of it.</p> <p>19 Q So as compared to you, do you think he was the</p> <p>20 same size, smaller than you, bigger than you?</p> <p>21 A Maybe a little larger as far as weight. I'm</p> <p>22 not sure.</p> <p>23 Q Do you remember if he had facial hair or didn't</p> <p>24 or what kind of hair he had?</p> <p style="text-align: right;">Page 13</p>                                                                                                                                                                    |

1 A I don't.

2 **Q You don't remember any of that?**

3 A No.

4 **Q So why don't you tell me how it is that you**  
5 **came to respond to this incident that took place on the D**  
6 **Pod on May 19th, 2012?**

7 A We were doing shift change, and --

8 **Q Were you coming on shift?**

9 A Yes. I was reporting for shift.

10 **Q Okay.**

11 A Which I was there early anyway. I'm always  
12 early. So --

13 **Q Kind of like today?**

14 A Yeah.

15 **Q Right.**

16 A A live a little way away, yeah.

17 **Q Okay.**

18 A So I heard on the radio that they needed  
19 officers to respond for an unknown problem in Delta, and I  
20 went because I'm there for the next eight hours.

21 **Q You said "unknown problem." Is that**  
22 **specifically what you remember being broadcast?**

23 A They didn't tell me. They just had a situation  
24 going on, and I wasn't sure exactly what we're getting

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1 into. I had no idea.

2 **Q Do you remember who it was that broadcast that**  
3 **over the radio?**

4 A It had to be security patrol. They called it  
5 out as far as I know.

6 **Q Are these radios you're wearing on your person?**

7 A Well, yeah. I have a --

8 **Q Hand-held?**

9 A Yeah.

10 **Q Okay.**

11 A It's on my belt. It's where I wear them.

12 **Q And I just had the chance to speak with Officer**  
13 **Johnson, and he told me that at least at that time, in May**  
14 **of 2012, you all weren't using codes?**

15 A No, we were not.

16 **Q So somebody just came over the radio and said,**  
17 **"We need officers to respond to D Pod for" --**

18 A Delta Pod.

19 **Q Delta Pod.**

20 A Yes.

21 **Q Did you respond with anyone else?**

22 A Oh, I don't remember who all was in the  
23 elevator. Apparently, I did. I don't remember who.

24 **Q I'll have you walk us through what you remember**

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1 about the incident and then we'll take a look at your  
2 narrative. And it's in here somewhere if you need to  
3 refer to it, please feel free to do so.

4 But before we get there, I want to ask a couple  
5 of maybe more general questions. Have you ever received  
6 any training on any dangers associated with prone  
7 restraint?

8 A No.

9 **Q Do you know what prone restraint is?**

10 A A person is laying on his belly and handcuffed.

11 **Q Do you agree, Officer Mayes, that corrections**  
12 **officers must never apply handcuffs or restraints in ways**  
13 **that may restrict someone's breathing?**

14 A Yes.

15 **Q Corrections officers must only use force that**  
16 **is reasonable; do you understand that?**

17 MR. PREGON: Objection.

18 A Correct.

19 BY MR. DICELLO:

20 **Q That's all right. He might object from time to**  
21 **time, and unless he tells you not to answer the question,**  
22 **just go ahead.**

23 MR. PREGON: But give me a chance so we don't  
24 talk at the same time.

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1 THE WITNESS: All right.

2 BY MR. DICELLO:

3 **Q Corrections officers may only use force that is**  
4 **reasonably necessary under the circumstances, that's your**  
5 **understanding?**

6 MR. PREGON: Objection.

7 Go ahead.

8 A Yes.

9 BY MR. DICELLO:

10 **Q Force that is unreasonable is excessive;**  
11 **correct?**

12 MR. PREGON: Objection.

13 Go ahead.

14 A Yeah.

15 BY MR. DICELLO:

16 **Q And force that is unnecessary under the**  
17 **circumstance is, likewise, excessive force; agreed?**

18 MR. PREGON: Objection.

19 Go ahead.

20 A Repeat that again.

21 BY MR. DICELLO:

22 **Q Yeah.**

23 A I can't hear you.

24 **Q Sorry. Force that is unnecessary under the**

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1 circumstance is also excessive force; true?

2 MR. PREGON: Objection.

3 Go ahead.

4 A True.

5 BY MR. DICELLO:

6 Q As a corrections officer, did you take an oath?

7 A No.

8 Q You were sworn in to become a CO?

9 A No, sir.

10 Q No? Okay. I'm going to ask you if you agree

11 with this statement: Placing members of the community, of

12 our community, of your community, in handcuffs in a prone

13 position is never an acceptable practice.

14 MR. PREGON: Objection.

15 Go ahead.

16 A Yeah, it's acceptable.

17 BY MR. DICELLO:

18 Q Your understanding based on the rules,

19 training, policies, procedures at the Montgomery County

20 Jail is that placing members of the community who are

21 handcuffed in prone position is acceptable?

22 A Yes.

23 Q And I take it you then disagree with the

24 following statement, that placing members of the community

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1 who are in handcuffs in a prone position is prohibited.

2 You disagree with that?

3 MR. PREGON: Objection.

4 Go ahead.

5 A It is prohibited. We're trained to do that.

6 BY MR. DICELLO:

7 Q So it's permissible?

8 MR. PREGON: Yeah, you said prohibited.

9 A Yeah, we're allowed to do that. We're trained

10 to do that.

11 BY MR. DICELLO:

12 Q So you're trained to put people in a prone

13 position with their hands cuffed behind their back?

14 A Yes.

15 Q You understand that the prone position means

16 facedown on the belly?

17 A Uh-huh.

18 Q Yes?

19 A Yes, sir. I'm sorry.

20 Q That's okay.

21 And I have a definition of prone restraint.

22 It's kind of clumsy, but I have to ask you. Do you agree

23 with the following definition of prone restraint: All

24 items or measures used to limit or control the movement or

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1 normal functioning of any portion or all of an

2 individual's body while the individual is in a facedown

3 position for an extended period of time. Do you agree

4 with that definition?

5 MR. PREGON: Objection.

6 Go ahead.

7 A Say that one more time.

8 BY MR. DICELLO:

9 Q Sure. All items or measures used to limit or

10 control the movement or normal functioning of any portion

11 or all of an individual's body while the individual is in

12 a facedown position for an extended period of time.

13 MR. PREGON: Objection.

14 Go ahead.

15 A Yes.

16 BY MR. DICELLO:

17 Q Prone restraint, do you understand, includes

18 physical restraints, meaning correction officers actually

19 holding somebody in that position? Do you understand

20 that?

21 MR. PREGON: Objection.

22 Go ahead.

23 A Yes, sir.

24 BY MR. DICELLO:

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1 Q And do you understand that prone restraint also

2 includes mechanical restraints, meaning through the use of

3 handcuffs or other things like that? Do you understand

4 that?

5 MR. PREGON: Objection.

6 A Yes, sir.

7 BY MR. DICELLO:

8 Q Have you ever received any training on what is

9 called a transitional hold?

10 A Transitional hold? Can you give me a

11 definition? That word just doesn't --

12 Q Let me ask a follow-up question. Have you ever

13 heard the term "transitional hold"?

14 A I don't believe I have. I mean, I could have,

15 but I don't remember it.

16 Q Okay. Have you ever been trained that an

17 inmate or a detainee is at an elevated risk of sudden

18 death after struggling with corrections officers in a

19 prone position?

20 MR. PREGON: Objection.

21 A No.

22 BY MR. DICELLO:

23 Q As a rule, do you understand that corrections

24 officers must never restrain people in ways that pose an

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1 unnecessary risk of death?  
2 MR. PREGON: Objection.  
3 Go ahead.  
4 A Yes.  
5 BY MR. DICELLO:  
6 Q So one of the jobs of the corrections officer  
7 to protect the safety of the public is to avoid  
8 restraining people in ways that pose an unnecessary risk  
9 of death; agreed?  
10 MR. PREGON: Objection.  
11 Go ahead.  
12 A Yes.  
13 BY MR. DICELLO:  
14 Q When corrections officers are faced with two or  
15 more ways to restrain a member of the public, you agree  
16 the corrections officer has to choose the safer way?  
17 MR. PREGON: Objection.  
18 Go ahead.  
19 A Yes.  
20 BY MR. DICELLO:  
21 Q Have you received any training or are you aware  
22 of any research in your field, in the corrections field or  
23 law enforcement field, that has shown that prone restraint  
24 is a hazardous and potentially lethal restraint position?

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1 MR. PREGON: Objection.  
2 A No.  
3 BY MR. DICELLO:  
4 Q Do you know whether or not the use of prone  
5 restraint is permissible in the state of Ohio?  
6 MR. PREGON: Objection to form.  
7 Go ahead.  
8 A It must be. We do it all the time.  
9 BY MR. DICELLO:  
10 Q When you do use prone restraint all the time,  
11 is it your understanding that as soon as the person is  
12 handcuffed, that person is to be taken off of his or her  
13 stomach?  
14 A Depends on the situation, what's going on at  
15 the time.  
16 Q So there are times where, depending on the  
17 circumstances, your understanding is that as a corrections  
18 officer you can handcuff someone with their hands behind  
19 their back and hold them down in a prone position for an  
20 extended period of time; correct?  
21 MR. PREGON: Objection.  
22 Go ahead.  
23 A If it needs to be, yeah.  
24 BY MR. DICELLO:

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1 Q And the circumstances that would require  
2 holding somebody in a prone position with their hands  
3 cuffed behind their back is to protect the safety of  
4 corrections officers?  
5 MR. PREGON: Objection.  
6 Go ahead.  
7 A And the inmate. Everybody involved.  
8 BY MR. DICELLO:  
9 Q So you think there are circumstances where  
10 holding somebody down on their belly in a prone position  
11 with their hands cuffed behind their back is what is  
12 safest for the inmate?  
13 MR. PREGON: Objection.  
14 Go ahead.  
15 A Every situation is different.  
16 BY MR. DICELLO:  
17 Q Well, do you think in this situation involving  
18 Mr. Richardson, what was safest for him was to hold him in  
19 a prone position with his hands cuffed behind his back?  
20 MR. PREGON: Objection.  
21 A We were waiting for the sergeants to make a  
22 decision what we were going to do. I mean, we work for  
23 the sergeants. Whatever we're told to do, we do.  
24 BY MR. DICELLO:

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1 Q So was it the sergeants that were telling you  
2 to keep Mr. Richardson in the position he was in?  
3 A I was never told by a sergeant, "keep him down  
4 until." But he was combative. I mean, he was thrashing  
5 around. We were -- You'll see in the video at one point  
6 my hand is -- my fingers are under his head so he doesn't  
7 hit his head on the concrete, which is very dangerous to  
8 do. But I mean, when a person is combative, you know, the  
9 sergeants will guide us in the direction they want us to  
10 go with it.  
11 Q So who are the sergeants that were guiding you  
12 on May 19th, 2012?  
13 A Sergeant Jackson and Sergeant Lewis was there.  
14 Q Do you know why Mr. Richardson was struggling?  
15 A No idea.  
16 Q Do you remember him saying anything?  
17 A He just kept saying, "I want out."  
18 Q Did you see any bloody sputum coming out of his  
19 mouth?  
20 A No.  
21 Q As of the time you encountered Mr. Richardson,  
22 had he violated any jail rules that you were aware of?  
23 MR. PREGON: Objection.  
24 Go ahead.

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1 A Not to my knowledge.</p> <p>2 BY MR. DICELLO:</p> <p>3 Q Had he assaulted anyone?</p> <p>4 MR. PREGON: Objection.</p> <p>5 Go ahead.</p> <p>6 A Not to my knowledge, no.</p> <p>7 BY MR. DICELLO:</p> <p>8 Q Had he committed any crimes?</p> <p>9 MR. PREGON: Objection.</p> <p>10 Go ahead.</p> <p>11 A Committed any crimes as far as?</p> <p>12 BY MR. DICELLO:</p> <p>13 Q I'm not talking about what landed him in there.</p> <p>14 A Okay.</p> <p>15 Q I'm talking about at the time you encountered</p> <p>16 him.</p> <p>17 A You mean broken any jail rules --</p> <p>18 Q Yes.</p> <p>19 A -- or policies?</p> <p>20 Q Yes.</p> <p>21 A Not to my knowledge.</p> <p>22 Q And as of the time you encountered him, other</p> <p>23 than not breaking any jail rules, it's a little</p> <p>24 repetitive, that's what us lawyers do from time to time,</p> <p style="text-align: right;">Page 26</p>                                                                                                                                                                                                                                                                                                            | <p>1 A No.</p> <p>2 BY MR. DICELLO:</p> <p>3 Q So at the time you encountered him, were you</p> <p>4 considering whether he was obese or not?</p> <p>5 A No, sir.</p> <p>6 Q He was asking to be let up; correct?</p> <p>7 A No. He said, "I want out."</p> <p>8 Q Was he trying to get up?</p> <p>9 A He was rocking forth -- back and forth, but I</p> <p>10 wouldn't say he was trying to get up, no.</p> <p>11 Q Did you ever look into his eyes?</p> <p>12 A No, sir.</p> <p>13 Q Do you know whether he was oriented or</p> <p>14 disoriented?</p> <p>15 A No, sir.</p> <p>16 Q Do you know whether or not he needed medical</p> <p>17 attention?</p> <p>18 A Medical was there.</p> <p>19 Q At the time you responded, did you understand</p> <p>20 that the original call to respond was for a medical</p> <p>21 emergency?</p> <p>22 A No, sir.</p> <p>23 Q At the time you encountered Mr. Richardson, you</p> <p>24 knew he was unarmed; correct?</p> <p style="text-align: right;">Page 28</p>                                                                                           |
| <p>1 but had he committed any crimes at the time that you</p> <p>2 encountered him?</p> <p>3 A Not to my knowledge.</p> <p>4 Q At the time that you encountered him, he was on</p> <p>5 his belly and his hands were cuffed behind his back?</p> <p>6 A Yes, sir.</p> <p>7 Q And there were between three to seven other</p> <p>8 corrections officers there?</p> <p>9 A There were several people there, yes.</p> <p>10 Q At the time you encountered him, did he pose</p> <p>11 any threat to you?</p> <p>12 A No, because he was already handcuffed. He was</p> <p>13 -- He was already out of the cell on the ground and</p> <p>14 handcuffed, so --</p> <p>15 Q At the time that you encountered him, did you</p> <p>16 understand that he was having a medical emergency?</p> <p>17 A I didn't know what was going on.</p> <p>18 Q Did you understand that he was obese?</p> <p>19 A What is your definition of obese? I'm 300</p> <p>20 pounds.</p> <p>21 Q I'm sure there's a BMI definition of it. But</p> <p>22 let me ask you this: Have you received any training to be</p> <p>23 more careful in restraining people who are obese?</p> <p>24 MR. PREGON: Objection.</p> <p style="text-align: right;">Page 27</p> | <p>1 MR. PREGON: Objection.</p> <p>2 A Yeah. He better be.</p> <p>3 BY MR. DICELLO:</p> <p>4 Q While Mr. Richardson was handcuffed with his</p> <p>5 hands behind his back facedown on the ground with three to</p> <p>6 seven corrections officers there, he posed no threat to</p> <p>7 anyone; true?</p> <p>8 MR. PREGON: Objection.</p> <p>9 A You could still be a threat if you're</p> <p>10 handcuffed, trust me. I've been headbutted before. I've</p> <p>11 been kicked and --</p> <p>12 BY MR. DICELLO:</p> <p>13 Q Did he ever try to headbutt you?</p> <p>14 A He didn't, no.</p> <p>15 Q Did you see Mr. Richardson try to headbutt</p> <p>16 anyone?</p> <p>17 A No, sir.</p> <p>18 Q Did you see him try to assault anyone?</p> <p>19 A No, sir.</p> <p>20 Q Did any other corrections officer report to you</p> <p>21 that Mr. Richardson had tried to assault him or her?</p> <p>22 A They don't report to me.</p> <p>23 Q I'm talking about -- I presume you were</p> <p>24 communicating with the other corrections officers on the</p> <p style="text-align: right;">Page 29</p> |



1 scene; correct?

2 A Right.

3 Q Did any of those corrections officers on the

4 scene who you were communicating with ever communicate to

5 you that Mr. Richardson tried to assault him or her?

6 A No.

7 Q Did you have any understanding that

8 Mr. Richardson ever tried to assault his cellmate?

9 A No, sir.

10 Q Based on the pod he was housed on, you knew at

11 the time you encountered him that he was not in there for

12 any type of violent crime; correct?

13 A Correct.

14 Q Did Mr. Richardson ever hurt anyone during this

15 incident?

16 A Not to my knowledge.

17 Q As of the time you encountered Mr. Richardson,

18 did you know whether or not he had any medical conditions?

19 A No, sir.

20 Q Did you know whether or not he had any heart

21 disease?

22 A No, sir.

23 Q Did the medic -- I think a Medic Stockhauser

24 was there for some period of time?

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1 A He was.

2 Q Did Medic Stockhauser ever alert you to the

3 fact that Mr. Richardson had a history of hypertension?

4 A No, sir.

5 Q Did he ever alert you -- Did Medic Stockhauser

6 ever alert you to the fact that Mr. Richardson had a

7 history of high blood pressure?

8 A No, sir.

9 Q If you knew Mr. Richardson had hypertension

10 and/or high blood pressure, would you have changed

11 anything you did?

12 MR. PREGON: Objection.

13 A No, sir.

14 BY MR. DICELLO:

15 Q Mr. Richardson was being held down in a prone

16 position; correct?

17 MR. PREGON: Objection. At what point are you

18 asking him?

19 BY MR. DICELLO:

20 Q Go ahead. Do you understand the question?

21 A No.

22 Q You let me know if you don't understand it.

23 A No. Can you rephrase it?

24 Q Yeah. While you were there, Mr. Richardson was

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1 being held down on the ground; correct?

2 MR. PREGON: Objection.

3 A He was being held so he don't -- don't move

4 back and forth and hurt himself, yes.

5 BY MR. DICELLO:

6 Q He was being held down on the ground; correct?

7 MR. PREGON: Objection.

8 A Yes.

9 BY MR. DICELLO:

10 Q He was being held down in a prone position on

11 the ground; correct?

12 MR. PREGON: Objection.

13 A Correct.

14 BY MR. DICELLO:

15 Q I'm just looking at your narrative report,

16 Officer, to see -- it's on -- if you look at the bottom

17 there, you can get to it. It's at MC 1284. It starts

18 there.

19 Have you ever been trained that when the human

20 body needs air it struggles to get it?

21 MR. PREGON: Objection.

22 A Trained or common sense?

23 BY MR. DICELLO:

24 Q Well, let me start with your training and then

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1 we can talk about common sense. But have you ever been

2 trained that you have to be careful not to interpret

3 somebody's resistive behavior as them fighting for air to

4 stay alive?

5 A Yes.

6 Q Did you consider during this 22-minute or so

7 encounter with Mr. Richardson that he was fighting to try

8 to breathe?

9 A No, sir, because he's talking the whole time,

10 saying "I want out." I mean, when you're talking, you're

11 breathing.

12 Q I've heard that before. So you --

13 A I'm sorry.

14 Q No, that's okay.

15 You're of the mindset that as long as you can

16 talk, you can breathe; right?

17 MR. PREGON: Objection.

18 Go ahead.

19 A Yes. It's a fact. I'm sorry.

20 BY MR. DICELLO:

21 Q So is that the reason you didn't have any

22 concern that Mr. Richardson was having trouble breathing,

23 because he was talking?

24 A First of all, I didn't say I didn't have any

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1 concern for the inmate at all.  
2 **Q Let me back up.**  
3 A Okay.  
4 **Q Did you have concerns that Mr. Richardson was**  
5 **having trouble breathing?**  
6 A No, I didn't. I mean, I thought his breathing  
7 was fine. But I was -- I did have concern for the inmate,  
8 don't get me wrong. When an inmate goes from being nice  
9 to acting like he was, there is an issue. And I've seen  
10 -- I've seen -- Through my nine and a half years, the  
11 people who have been in pods, I've seen them act horrible  
12 to where we have to put them in cells on the third and  
13 fourth floor where it's not really nice over there. So --  
14 and they have no history whatsoever in the jail. So I  
15 don't know what causes people to act like that.  
16 **Q Medic Stockhauser was trying to administer**  
17 **oxygen to Mr. Richardson?**  
18 A Uh-huh.  
19 **Q You saw that?**  
20 A Yes, sir.  
21 **Q Did that give you reason to be concerned about**  
22 **his breathing?**  
23 A I'm not sure what prompted him to do that. I  
24 don't know.

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1 **Q Why --**  
2 A I didn't get up there until a lot of people are  
3 already up there. So -- Because the medic starts at 3:00  
4 in the afternoon. We start at 3:30. So --  
5 **Q Your narrative report indicates that "Medic**  
6 **Stockhauser was trying to administer oxygen by**  
7 **nonrebreather mask as Inmate Richardson was struggling**  
8 **with officers." That's what happened; correct?**  
9 A Correct.  
10 **Q So in your own mind, did you have some concern**  
11 **that maybe his breathing was compromised and he needed**  
12 **oxygen?**  
13 A No, because they -- they give oxygen to a lot  
14 of people just to calm them down.  
15 **Q It says here, "I took control of Inmate**  
16 **Richardson's shoulders to keep him from trying to roll**  
17 **over and to prevent him from injuring himself." Is that**  
18 **what you did?**  
19 A Correct. Well, shoulder and head area, yes,  
20 that whole area, the top half. I wasn't towards his feet.  
21 **Q You were preventing Mr. Richardson from rolling**  
22 **his shoulders off the ground; correct?**  
23 MR. PREGON: Objection.  
24 A Yes.

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1 BY MR. DICELLO:  
2 **Q Because you thought he might hurt himself if he**  
3 **did that?**  
4 A Yes, he could. The jail is made out of  
5 concrete. It's hard.  
6 **Q At any point in time did any sergeant instruct**  
7 **you or anyone else that you heard to get Mr. Richardson**  
8 **off of his belly?**  
9 A No.  
10 **Q At any point in time did any sergeant or any**  
11 **corrections officer instruct you or anyone that you heard**  
12 **to get Mr. Richardson to his feet?**  
13 A No.  
14 **Q Same question for to sit Mr. Richardson up on**  
15 **his butt.**  
16 A No.  
17 **Q Did any medical person, while you were involved**  
18 **in this situation, ever instruct you to do any of those**  
19 **things; get Mr. Richardson off his belly, sit him up on**  
20 **his butt, or stand him on his feet?**  
21 MR. PREGON: Objection.  
22 A No.  
23 Can we take a break real quick?  
24 BY MR. DICELLO:

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1 **Q Yeah, of course.**  
2 **(Discussion held off the record.)**  
3 BY MR. DICELLO:  
4 **Q We're back from a short break, Officer Mayes,**  
5 **and I was asking questions about any training you've**  
6 **received that an inmate or detainee's resistive or violent**  
7 **behavior may mask a dangerous medical condition. Have you**  
8 **received any training like that?**  
9 A Yes.  
10 **Q Is it your understanding that somebody's**  
11 **resistive behavior might be their efforts to try to**  
12 **breathe?**  
13 A It could.  
14 **Q I understand that you weren't involved in**  
15 **putting the handcuffs on Mr. Richardson; correct?**  
16 A That's correct.  
17 **Q Do you know why he was handcuffed?**  
18 A Because of his behavior.  
19 **Q What behavior required him to be handcuffed?**  
20 A Apparently whoever was there must have took him  
21 as being combative. I don't -- I can't really say. I  
22 don't know. I wasn't there. I didn't see how he was  
23 behaving before I got there.  
24 **Q From the time period that you were there, did**

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1 you believe that he needed -- that Mr. Richardson needed</p> <p>2 to be handcuffed while he was on the ground?</p> <p>3 A Yes.</p> <p>4 Q Why?</p> <p>5 A Because of the way he was thrashing around on</p> <p>6 the ground. He could have very easily got up and hit</p> <p>7 somebody if -- you know, people are unpredictable.</p> <p>8 Q Was Mr. Richardson, as far as you understand</p> <p>9 it, put in handcuffs to protect him from self-destructive</p> <p>10 behavior?</p> <p>11 A Himself and other officers, yes.</p> <p>12 Q And was he put in handcuffs to prevent other</p> <p>13 prisoners from being assaulted?</p> <p>14 A There only had been one other, and that would</p> <p>15 be his cellmate.</p> <p>16 Q I'm asking was that one of the reasons you</p> <p>17 understand why he was in handcuffs, to prevent him from</p> <p>18 assaulting --</p> <p>19 A I wasn't there, I don't know.</p> <p>20 Q Let me finish the question. To prevent him</p> <p>21 from assaulting other prisoners?</p> <p>22 A I don't know. I wasn't there. I wasn't there</p> <p>23 when he was put in handcuffs, so I can't answer that.</p> <p>24 Q But you were there while he was in handcuffs</p> <p style="text-align: right;">Page 38</p> | <p>1 and head on the ground to prevent him from rolling over,</p> <p>2 as you told us you were doing, that is not a use of force?</p> <p>3 A That's correct.</p> <p>4 Q And so is it your testimony that all the things</p> <p>5 that the other officers were doing in restraining</p> <p>6 Mr. Richardson were, likewise, not uses of force against</p> <p>7 him?</p> <p>8 MR. PREGON: Objection.</p> <p>9 A That's not my call. I don't -- I'll answer for</p> <p>10 what I did.</p> <p>11 BY MR. DICELLO:</p> <p>12 Q Okay.</p> <p>13 A Okay? I wasn't -- When I was dealing with him,</p> <p>14 hands-on as we say, you know --</p> <p>15 Q Yeah.</p> <p>16 A -- touching him, I'm not watching what somebody</p> <p>17 else is doing. I'm paying attention to what I'm doing.</p> <p>18 Q So your hands-on was not a use of force?</p> <p>19 A No, sir.</p> <p>20 Q Why not?</p> <p>21 A Touching a person is not a use of force.</p> <p>22 Q Why not?</p> <p>23 A Because I'm not hurting him. I'm not using</p> <p>24 force against him.</p> <p style="text-align: right;">Page 40</p> |
| <p>1 for the better part of 20 minutes; correct?</p> <p>2 A I don't know how long the timeframe, but yes, I</p> <p>3 was there while he was handcuffed, yes.</p> <p>4 Q There's got to be a reason to keep somebody in</p> <p>5 handcuffs; correct?</p> <p>6 MR. PREGON: Objection.</p> <p>7 A Right.</p> <p>8 BY MR. DICELLO:</p> <p>9 Q So I'm asking: While you were there, is one of</p> <p>10 the reasons to keep him in handcuffs to prevent him from</p> <p>11 assaulting staff?</p> <p>12 A Yes.</p> <p>13 Q Was one of the reasons to keep him in handcuffs</p> <p>14 during the time you were there to prevent him from</p> <p>15 assaulting other prisoners?</p> <p>16 A Could have.</p> <p>17 Q Was one of the reasons he would continue to</p> <p>18 stay in handcuffs while you were there was to prevent</p> <p>19 Mr. Richardson from damaging the facility?</p> <p>20 A Could have been.</p> <p>21 Q Did you use any force on Mr. Richardson?</p> <p>22 A No, sir.</p> <p>23 Q So based on how you're trained and your</p> <p>24 understanding is that while you were holding his shoulders</p> <p style="text-align: right;">Page 39</p>                                                                                              | <p>1 Q You didn't hurt him?</p> <p>2 A No, sir.</p> <p>3 Q He died while your hands were on top of him?</p> <p>4 MR. PREGON: Objection.</p> <p>5 A No, he didn't.</p> <p>6 BY MR. DICELLO:</p> <p>7 Q He didn't?</p> <p>8 A No. You'll see in the video that after my</p> <p>9 knees took so much concrete and I had to get up and walk.</p> <p>10 He was still alive.</p> <p>11 Q When you walked away?</p> <p>12 A I was standing. I was standing up, yes.</p> <p>13 Q Okay.</p> <p>14 A So I was not touching him when he died.</p> <p>15 Q So is it your understanding that something only</p> <p>16 constitutes a use of force if you hurt an inmate?</p> <p>17 MR. PREGON: Objection.</p> <p>18 A Or cause physical harm, yes.</p> <p>19 BY MR. DICELLO:</p> <p>20 Q Is putting handcuffs on an inmate a use of</p> <p>21 force?</p> <p>22 A No.</p> <p>23 Q You didn't fill out any Use of Force Reports</p> <p>24 concerning the restraint of Mr. Richardson; correct?</p> <p style="text-align: right;">Page 41</p>                                                                  |

1 A That's correct, I did not.  
2 Q And no one instructed you to fill out any Use  
3 of Force Report; correct?  
4 A Correct.  
5 Q After this incident occurred, did anyone  
6 interview you about what happened?  
7 A As far as?  
8 Q Like an investigator.  
9 A No.  
10 Q Did an investigator come by and say, "Officer  
11 Mayes, we had this member of our community die here the  
12 other day. I want to ask you questions about that?"  
13 A No, sir.  
14 Q That never happened?  
15 A No, sir.  
16 Q Do you know why not?  
17 A No.  
18 Q It looks to me like you filled out your  
19 narrative at 21:40:19; is that correct?  
20 A Correct.  
21 Q So that's about 9:40 at night. Do I have that  
22 right?  
23 A I started right after the incident happened.  
24 But every time you save it, it time stamps. So when I

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1 finished it, it was 9:40 p.m., yes.  
2 Q Did you fill this in at a computer at the jail?  
3 A Yes.  
4 Q Is this the only version of this or are there  
5 other versions?  
6 A That's it.  
7 Q Didn't make any corrections?  
8 A Did I?  
9 Q Yeah.  
10 A No.  
11 Q So what I'm getting at is sometimes people type  
12 things and then they go back and edit it and change it and  
13 revisit it and say, "Oh, let me say this differently." Is  
14 what we see in your narrative report, is that just --  
15 A That's my report.  
16 Q Your report, first time through, you got it  
17 right the first time?  
18 A No, I didn't say that.  
19 Q Okay.  
20 A Because I do go to the spell check part and  
21 make sure I spelled the words right.  
22 Q Okay.  
23 A I'm not a teacher or anything, okay?  
24 Q I got it.

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1 Was there any -- I guess what I'm thinking  
2 about, was there any substantive editing where you're  
3 like, "Well, I want to change that part" or "I want to  
4 delete that sentence and add something different." Did  
5 that process take place at all?  
6 A I don't remember.  
7 Q How long did it take you to fill out this  
8 narrative; do you recall?  
9 A Well, from 3:30 to 9:40. I mean, but I had  
10 other responsibilities I had to take care of, too. I just  
11 didn't sit there at the computer for six hours or whatever  
12 it was looking at it. I did take a step back, think about  
13 what -- what happened, jogged the memory.  
14 Q You were there when people starting giving  
15 chest compressions?  
16 A Yes.  
17 Q Did you hear a gurgling sound come from  
18 Mr. Richardson?  
19 A No, sir.  
20 Q At the time that you were going hands-on with  
21 him, did you have any concern that Mr. Richardson was  
22 suffering a heart attack or had suffered a heart attack?  
23 A No, sir.  
24 Q Was he sweating?

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1 A We all were.  
2 Q Because he was struggling; correct?  
3 MR. PREGON: Objection.  
4 A I don't know if that caused it or -- some  
5 people just sweat walking. I don't know.  
6 BY MR. DICELLO:  
7 Q Why were you sweating?  
8 A I was hot.  
9 Q Is it because you were physically exerting  
10 yourself?  
11 A Could have been.  
12 Q Did Medic Stockhauser ever announce to you any  
13 concerns that Mr. Richardson was having a heart attack or  
14 suffered a heart attack?  
15 A No, sir.  
16 Q You've told us that you've put people in prone  
17 restraint and handcuffed them on their bellies at the  
18 jail; correct?  
19 A Yes.  
20 Q This incident, we have a video, I'm going to  
21 show you some parts of it, appears to last the better part  
22 of 20 plus minutes.  
23 A Okay.  
24 Q Is that consistent with your understanding of

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1     **how long this interaction was?**  
2         A     I believe it.  
3         **Q   Have you had other situations where members of**  
4     **the community have been handcuffed in a prone position for**  
5     **upwards of 20 minutes?**  
6         MR. PREGON:  Objection.  
7         A     I don't remember.  I mean, a lot of things goes  
8     on in that jail.  
9         BY MR. DICELLO:  
10        **Q   Yeah.**  
11        A     Okay?  
12        **Q   Yeah.  Obviously, this situation stands out**  
13     **because it resulted in a man -- a young man's death.  But**  
14     **other than that, the time period, the amount of people**  
15     **that respond, him being handcuffed with his hands behind**  
16     **his back on his belly, is any of that uncommon at the**  
17     **jail?**  
18        MR. PREGON:  Objection.  
19        A     No.  
20        BY MR. DICELLO:  
21        **Q   So but for his death, this interaction with**  
22     **this inmate was not uncommon; correct?**  
23        A     Correct.  
24        **Q   Have you ever been trained not to ever apply**

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1     **restraint to someone's neck?**  
2         A     Yes.  
3         **Q   Did you apply restraint to Mr. Richardson's**  
4     **neck that day?**  
5         A     No, sir.  
6         **Q   Why did you not do that?**  
7         A     Because I don't do that.  
8         **Q   What's your understanding of why you're not**  
9     **supposed to apply restraint to someone's neck who is in a**  
10    **prone position?**  
11        MR. PREGON:  Objection.  
12        A     We don't touch the neck area.  I mean, it's --  
13    it's a vital area.  
14        BY MR. DICELLO:  
15        **Q   I understand that you were following sergeants'**  
16     **instructions.  But you've also told me that the**  
17     **corrections officer has a job to make sure that they're**  
18     **not exposing inmates to unnecessary risks of death; right?**  
19        A     Right.  
20        **Q   Why didn't you ever roll Mr. Richardson off of**  
21     **his belly?**  
22        MR. PREGON:  Objection.  
23        A     In the video you'll see that he's not on his  
24    belly the whole time.  He is on his side some -- some of

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1     the time, all right?  
2         BY MR. DICELLO:  
3         **Q   Why didn't you ever roll Mr. Richardson onto**  
4     **his back?**  
5         A     Okay.  Think about the situation.  Being  
6     handcuffed behind your back, you roll somebody on their  
7     back, would that be comfortable for you?  Would that be  
8     good for your back?  
9         **Q   That's why, because it would be uncomfortable**  
10    **for him?**  
11        A     Well, no.  The metal handcuffs could hurt your  
12    spine --  
13        **Q   Okay.**  
14        A     -- if you're laying flat on your back.  
15        **Q   I'm asking you.  Is that the reason why you**  
16     **didn't roll him over onto his back, because the metal**  
17     **cuffs could hurt his spine?**  
18        A     Well, there's probably many reasons why we  
19    didn't.  
20        **Q   So that's what I'm interested in, knowing those**  
21     **reasons.**  
22        A     We had him in the position that he needed to be  
23    in.  I mean, we did not cause any injury to him  
24    whatsoever.  We didn't block his airway.  We didn't do any

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1     of that.  
2         **Q   Have you ever heard of the term "positional**  
3     **asphyxia" or "positional asphyxiation"?**  
4         A     I've heard of it before, yes.  
5         **Q   Have you ever received any training on what**  
6     **that is?**  
7         A     Yes.  
8         **Q   And based on your training, what is positional**  
9     **asphyxiation?**  
10        A     Where you put a person in a position where they  
11    cannot breathe.  
12        **Q   Is it your understanding that someone who is in**  
13     **a prone position is at higher risk of positional**  
14     **asphyxiation?**  
15        A     No.  
16        **Q   Have you been trained on any risk factors,**  
17     **meaning factors that would make positional asphyxiation**  
18     **more or less likely to happen?**  
19        A     Rephrase that for me.  
20        **Q   Yeah.  Have you been trained on any risk**  
21     **factors that you as a corrections officer need to keep an**  
22     **eye out for that are associated with a higher risk of**  
23     **positional asphyxiation?**  
24        A     Yes.

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1       <b>Q What risk factors for positional asphyxiation</b><br/> 2       <b>have you been trained on?</b><br/> 3       A Oh, shoot. Off the top of my head, I'm drawing<br/> 4       a blank.<br/> 5       <b>Q As you sit here today, you can't recall any</b><br/> 6       <b>risk factors for positional asphyxiation that you've been</b><br/> 7       <b>trained about?</b><br/> 8       A We do training all the time. When you start at<br/> 9       the county, your first week in, you're -- what's the word<br/> 10      I want to use -- your first week of training is at the<br/> 11      training center. We go through CPR, pressure points, all<br/> 12      kinds of training. A lot of medical training. So you<br/> 13      know, the -- they show us, you know, how inmates will<br/> 14      become clever to hang themselves. I mean --<br/> 15      <b>Q Yep.</b><br/> 16      A -- it's just the way they are. They have time<br/> 17      to think about how to do things that we would never dream<br/> 18      of doing things, okay? And then once you leave the<br/> 19      training center, you have an FTO, a field training<br/> 20      officer, for 30 days. And they also help you learn the<br/> 21      job and what to look for, what not to do, what to do. And<br/> 22      then once you get done with your 30-day training, every<br/> 23      year we do our training at the training center, 40-hour<br/> 24      block. We do training all the time. Our sergeants are</p> <p style="text-align: right;">Page 50</p> | <p>1       <b>Q -- with Mr. Richardson. Did you feel in that</b><br/> 2       <b>situation that the Montgomery County Sheriff's Office had</b><br/> 3       <b>deployed enough correctional officers to this situation to</b><br/> 4       <b>safely control the situation?</b><br/> 5       MR. PREGON: Objection.<br/> 6       A I'm not sure.<br/> 7       BY MR. DICELLO:<br/> 8       <b>Q Why did you never consider sitting</b><br/> 9       <b>Mr. Richardson on his butt to get him off his belly?</b><br/> 10      A Because of his behavior, we couldn't -- we<br/> 11      couldn't trust him to sit him up to where he could<br/> 12      possibly bang against the wall or whatever. You know.<br/> 13      <b>Q Did you ever try?</b><br/> 14      A We didn't get that far, no.<br/> 15      <b>Q Same question, and if it's the same answer, let</b><br/> 16      <b>me know. But I have to ask. Same question as to what was</b><br/> 17      <b>the reason why you never considered standing</b><br/> 18      <b>Mr. Richardson up to get him off his belly.</b><br/> 19      MR. PREGON: Objection.<br/> 20      A Same answer. His behavior wouldn't allow it.<br/> 21      I don't think we could have stood him up. A lot of<br/> 22      people, when you stand them up, they'll -- they're what we<br/> 23      consider dead weight, they'll just go limp on us on<br/> 24      purpose to try to hurt themselves so they can go to the</p> <p style="text-align: right;">Page 52</p> |
| <p>1       doing fire drills, which will incorporate medical. You<br/> 2       know, we'll have an inmate say they're smoke inhalation<br/> 3       from a fake fire, we get a smoke machine, you know, we do<br/> 4       training all the time.<br/> 5       So we work hand-in-hand with medical, okay? So<br/> 6       we're not there to hurt the people. We're there to make<br/> 7       sure that they stay safe and we stay safe. So --<br/> 8       <b>Q I asked you why you never turned him over on</b><br/> 9       <b>his back, and I think you answered that question. Why did</b><br/> 10      <b>you never -- With the number of officers that you had with</b><br/> 11      <b>you, the number of officers that you had with you, did you</b><br/> 12      <b>feel like you could control the situation?</b><br/> 13      A No.<br/> 14      MR. PREGON: Objection.<br/> 15      A No, not really.<br/> 16      BY MR. DICELLO:<br/> 17      <b>Q No? There wasn't enough corrections officers</b><br/> 18      <b>there to control it?</b><br/> 19      A Every situation is different, okay? I mean,<br/> 20      there's times where you think you have enough and you<br/> 21      don't. I mean, I don't know what that magic number is,<br/> 22      I'll be honest with you. And when --<br/> 23      <b>Q Let's talk about this situation --</b><br/> 24      A Okay.</p> <p style="text-align: right;">Page 51</p>                                                                                                                            | <p>1       hospital, okay? So unless they're willing to stand up and<br/> 2       behave themselves and say, "Yes, I understand what's going<br/> 3       on" or -- you know, he wasn't showing those signs that he<br/> 4       was willing to comply with us.<br/> 5       <b>Q Did you ever try to stand him up on his feet?</b><br/> 6       A No. But we did talk to him the whole time, and<br/> 7       he was not giving us any answers. He was still thrashing<br/> 8       around. So you know, we couldn't just physically stand<br/> 9       him up and hold him up.<br/> 10      <b>Q Why not?</b><br/> 11      A He's a big man.<br/> 12      <b>Q There was six or seven of you there?</b><br/> 13      A Right.<br/> 14      <b>Q Are you telling me that six or seven of you</b><br/> 15      <b>corrections officers couldn't stand this man up?</b><br/> 16      MR. PREGON: Objection.<br/> 17      A No, I don't think we could.<br/> 18      BY MR. DICELLO:<br/> 19      <b>Q You needed more people to do that?</b><br/> 20      MR. PREGON: Objection.<br/> 21      A A lot bigger people.<br/> 22      BY MR. DICELLO:<br/> 23      <b>Q Okay.</b><br/> 24      A Bigger people than me.</p> <p style="text-align: right;">Page 53</p>                                                                                                                                                                                                                                                |

1       **Q How did you learn about Mr. Richardson's death,**  
2       **Officer Mayes?**  
3       A I was standing there.  
4       **Q Who announced that he died?**  
5       A I believe it was Dr. Ellis that was the one  
6       that pronounced him after Dayton Fire did everything that  
7       they could.  
8       **Q Did you observe Mr. Richardson's body go**  
9       **lifeless or go limp?**  
10      A He quit struggling with the officers. And at  
11      that time, Officer Stumpff says -- made a statement of  
12      "check his breathing" or something like that. And that's  
13      when they checked his vitals.  
14      **Q That's when you guys rolled him onto his back;**  
15      **correct?**  
16      A I believe so.  
17      **Q So the first time that the corrections officers**  
18      **rolled Mr. Richardson onto his back is after he stopped**  
19      **breathing; correct?**  
20      MR. PREGON: Objection.  
21      A I believe so.  
22      BY MR. DICELLO:  
23      **Q Drugs are prohibited in the jail; true?**  
24      A Drugs are not allowed.

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1       **Q That is one of the corrections officer's jobs,**  
2       **collective jobs, is to prevent drugs from getting into the**  
3       **jail, I presume?**  
4       A That's correct.  
5       **Q Did you ever hear --**  
6       MR. PREGON: You mean illegal drugs; right?  
7       MR. DICELLO: Yeah.  
8       BY MR. DICELLO:  
9       **Q Did you ever hear from anyone that**  
10      **Mr. Richardson was under the influence of marijuana?**  
11      A No.  
12      **Q Have you undergone any retraining or additional**  
13      **training as a result of Mr. Richardson's death?**  
14      A No.  
15      **Q As far as you understand, the policies, the**  
16      **procedures, the rules at the jail, all of those were**  
17      **followed in connection with how the corrections officers**  
18      **treated Mr. Richardson on May 19th, 2012; correct?**  
19      A Correct.  
20      **Q If presented with the same circumstances again,**  
21      **you would have the same response; true?**  
22      A True.  
23      **Q The Montgomery County Sheriff's corrections**  
24      **officers at the jail continue to restrain people in prone**

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1       **positions to this day; correct?**  
2       MR. PREGON: Objection.  
3       A Correct.  
4       BY MR. DICELLO:  
5       **Q Sometimes for extended periods of time; true?**  
6       MR. PREGON: Objection.  
7       A Explain to me what you mean by that.  
8       BY MR. DICELLO:  
9       **Q Do you know, have you ever been trained as to**  
10      **what is an extended period of time when it comes to prone**  
11      **restraint?**  
12      A I didn't know what your definition, what you're  
13      looking at. I mean, we don't leave them down there for a  
14      day, if that's what you're asking.  
15      **Q Okay.**  
16      A Most of the time we handcuff a person in the  
17      prone position, behind their backs, we will give them  
18      verbal commands, "lay down, put your hands behind your  
19      back," and they comply. We'll handcuff them. Because  
20      their behavior, they -- they understand now that they're  
21      not in control and they're going to quit doing whatever  
22      behavior. And most of the time, they go to a restraint  
23      chair for banging. That's why they, you know, get down on  
24      the ground, so --

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1       **Q Was the restraint chair ordered during this**  
2       **episode?**  
3       A It was.  
4       **Q Do you remember who ordered it?**  
5       A No, I don't.  
6       **Q Do you remember when it was ordered?**  
7       A No, sir. I believe it got there about the same  
8       time I got there. And it was never used.  
9       **Q Let me break that down a little bit. Your**  
10      **recollection is that the restraint chair was on the D Pod**  
11      **about the time you arrived at the D Pod?**  
12      A Close to that time, yeah.  
13      **Q Do you remember seeing it?**  
14      A Oh, yeah.  
15      **Q And it was available for use?**  
16      A It was.  
17      **Q Do you know why Mr. Richardson wasn't put in**  
18      **the restraint chair to get him off his belly?**  
19      MR. PREGON: Objection.  
20      A The only time --  
21      BY MR. DICELLO:  
22      **Q He was on his belly; right?**  
23      MR. PREGON: Objection.  
24      A Right. He was.

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1 BY MR. DICELLO:  
2 **Q Okay. Go ahead.**  
3 A He was on his side. He wasn't flat on his  
4 belly. He was on his side.  
5 But the only time any inmate, male or female,  
6 can go into the restraint chair is if a sergeant orders  
7 it. Corrections officers cannot place a person in a  
8 restraint chair because a correction officer wants to put  
9 them there.  
10 **Q Okay.**  
11 A That is policy. And that never happens that  
12 way. A sergeant always orders it.  
13 **Q Where was the restraint chair located when you**  
14 **remember seeing it?**  
15 A It was on the lower level by the desk, the work  
16 station for the -- down in that area.  
17 **Q In the D Pod?**  
18 A Yes.  
19 **Q And I've looked at the video and it looks like**  
20 **there's kind of a catwalk-type thing, and you can look**  
21 **down and you see the desk down there; right?**  
22 A Uh-huh.  
23 **Q Yes?**  
24 A Yes.

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1 **Q And that's where the restraint chair was?**  
2 A Yes, sir.  
3 **Q Do you remember hearing anybody have any**  
4 **discussions about using a restraint chair for**  
5 **Mr. Richardson?**  
6 A No, sir.  
7 **Q Did you have any expectations at some point in**  
8 **time, given your experience at the jail, that**  
9 **Mr. Richardson should go into a restraint chair at this**  
10 **point in time, or no?**  
11 A That's a sergeant's call.  
12 **Q Have you ever seen any training bulletins from**  
13 **the United States Department of Justice about positional**  
14 **asphyxia?**  
15 A Not to my knowledge, no.  
16 **Q As a rule, are you trained that as soon as**  
17 **someone is handcuffed who is in the prone position that**  
18 **you are to get that person off their stomach as soon as**  
19 **possible?**  
20 A No.  
21 **Q Is that training you receive?**  
22 A No.  
23 **Q Are you trained not to put pressure on someone**  
24 **who is in a prone position's back?**

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1 MR. PREGON: Objection.  
2 A No.  
3 BY MR. DICELLO:  
4 **Q Have you been -- I know you're not a medical**  
5 **person and you rely on medical staff, but as COs you do**  
6 **have some medical training. I think you told us a little**  
7 **bit about that; right?**  
8 A Yes.  
9 **Q Have you been trained to recognize the signs**  
10 **and symptoms of someone who is having a seizure?**  
11 A Yes.  
12 **Q In your own mind on May 19th, 2012, did you**  
13 **think that Mr. Richardson may have had a seizure?**  
14 A No.  
15 **Q Why not?**  
16 A He wasn't acting the way of a seizure -- the  
17 persons that have seizures. People that have seizures are  
18 not talking, okay? They're shaking violently versus  
19 thrashing. Do you understand what I'm saying?  
20 **Q Yeah.**  
21 A Okay. He was not shaking like a seizure.  
22 Usually when a person has a full legit seizure, they'll  
23 soil themselves.  
24 **Q Okay.**

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1 A Okay? They will have a ton of snot come out of  
2 them, even if they're not sick, do you know what I'm  
3 saying?  
4 **Q Yeah.**  
5 A And he did not display any of those seizure  
6 signs.  
7 **Q Did you ever ask anybody when you got there,**  
8 **you know, "Why are we holding this guy down"?**  
9 A No.  
10 **Q What was the plan?**  
11 MR. PREGON: Objection.  
12 A Make sure he was safe. And then -- I mean,  
13 whenever he decided that it was okay for us to move him,  
14 we could have took him to medical, we could have took him  
15 down to the first floor for observations, we could have  
16 done a dozen different situations. But I mean, with him  
17 being combative or thrashing around, we had to wait. We  
18 couldn't take him to medical like that.  
19 BY MR. DICELLO:  
20 **Q I just want to -- I'm trying to understand if**  
21 **there was a plan or what your understanding of the plan**  
22 **was. Because you've told me you didn't ask anybody "Why**  
23 **are we holding this guy down."**  
24 A Right.

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1       **Q** You told me you didn't think he was having a  
2 seizure. So in your own mind, was there a plan as to what  
3 you were going to do with this person?  
4       **A** I was waiting for direction from the -- from  
5 the sergeants.  
6       **Q** Did the sergeant ever discuss a plan of what  
7 was going to be done with this particular inmate?  
8       **A** Not with me.  
9       **Q** Did the sergeant ever tell you why it was that  
10 this inmate was being held on the ground?  
11       **A** No.  
12       (Discussion held off the record.)  
13 BY MR. DICELLO:  
14       **Q** I've just put it at 10:51, 52, 53. Are you in  
15 this screen yet? Do you see yourself?  
16       **A** I'm right there.  
17       **Q** So now we're at 11:04. And that's you standing  
18 up right in front of cell 545?  
19       **A** Yes, sir.  
20       **Q** I want to try to figure out when it was you  
21 came on scene. Because it looks like you were kind of  
22 hidden in that doorway all of a sudden and you just popped  
23 up.  
24       **A** I was kneeling down here --

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1       **Q** Okay.  
2       **A** -- just a few seconds before that.  
3       **Q** So I just moved it to the five minute mark. Do  
4 you see yourself anywhere in the frame yet?  
5       **A** No, sir.  
6       **Q** Okay.  
7       **A** Right there. Is that me? I don't know.  
8       **Q** Yeah, we have to do the best we can here.  
9       **A** You would think my gray hair would show up  
10 better.  
11       **Q** Well, that might be you. But let me see when  
12 we can definitively tell you're there.  
13       Do you remember standing up against this  
14 railing?  
15       **A** I don't remember.  
16       **Q** Now, I see you have rubber gloves on.  
17       **A** Uh-huh.  
18       **Q** When did you put the gloves on?  
19       MR. PREGON: You see him or are you talking  
20 about everybody in general?  
21       MR. DICELLO: Well, he did point to him here.  
22 BY MR. DICELLO:  
23       **Q** I should clarify. If that's not you, it's kind  
24 of on the side of this screen at 5:47, but when you do

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1 appear you have gloves on; right?  
2       **A** I put gloves on every time I respond to  
3 something.  
4       **Q** Okay.  
5       **A** I've had MRSA before.  
6       **Q** So we're at six minutes and we still don't see  
7 you in the frame? Not yet?  
8       **A** Not yet. Well, there. I'm there.  
9       **Q** At 7:56, you're clearly standing in front of  
10 cell 545?  
11       **A** Correct.  
12       **Q** So we can go back and probably figure out  
13 exactly when you come in. So we're now at 8:05, 8:06.  
14 What are you doing?  
15       **A** Observing.  
16       **Q** Did some sergeant instruct you to just kind of  
17 stand by and observe --  
18       **A** No.  
19       **Q** -- or did you think that's what the situation  
20 called for?  
21       **A** No. If someone down below needs to take a  
22 break, I can step in.  
23       **Q** Okay.  
24       **A** So --

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1       **Q** So fair to say at the 8:27 mark, you're just  
2 observing what's happening?  
3       **A** Correct.  
4       **Q** Who is this woman next to you? Do you remember  
5 who that is?  
6       **A** That's Nurse Krisandra.  
7       **Q** Krisandra.  
8       **A** The COs go by last names, nurses go by first  
9 names.  
10       **Q** Okay. That helps me.  
11       **A** It's weird.  
12       As you can see standing back there's other  
13 officers also observing from a distance, too, so --  
14       **Q** Why are they observing from a distance?  
15       **A** In case they need to step in, you know, what's  
16 going on.  
17       **Q** We're now approaching the 13 minute mark. Fair  
18 to say you appear to be talking to somebody and you appear  
19 to be smiling. Do you agree with that?  
20       **A** Uh-huh.  
21       **Q** Yes?  
22       **A** Yes.  
23       **Q** I believe, were you there when there was a  
24 first attempt to try to administer a shot to

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1 **Mr. Richardson?**  
2 A I was.  
3 **Q And do you know what nurse tried to administer**  
4 **that?**  
5 A Nurse Krisandra.  
6 **Q Did you see what happened with that attempted**  
7 **injection?**  
8 A It looked like the syringe separated and it  
9 sprayed mostly on, he's now Deputy Beach, but he was  
10 Correction Officer Beach at the time.  
11 **Q And they tried to administer it to his**  
12 **buttocks?**  
13 A Correct.  
14 **Q So his pelvis was flat on the ground when they**  
15 **tried to administer that shot?**  
16 A I don't know if it was flat on the ground, but  
17 they had access to his -- his buttocks.  
18 **Q I'll let it play, because I think around the**  
19 **15:08 mark is when you replace Medic Stockhauser.**  
20 A Correct.  
21 **Q So while this looks like it's playing out in**  
22 **front of us, we're at 15:03, 04?**  
23 A Right.  
24 **Q Are you now replacing Medic Stockhauser --**

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1 A Yes.  
2 **Q -- near Mr. Richardson's head?**  
3 A Yes.  
4 **Q Can you explain to me who -- How did that come**  
5 **about? Why did you replace him?**  
6 A Most likely he just said he needed a break.  
7 Because kneeling on concrete, it's hard on the knees.  
8 **Q Okay.**  
9 A It is hard on my knees.  
10 **Q And then did he instruct you what to do when**  
11 **you took over or --**  
12 A No.  
13 **Q You knew what to do?**  
14 A (Nods head.)  
15 **Q Yes?**  
16 A Yeah.  
17 **Q Okay. Mr. Richardson's on his belly now, isn't**  
18 **he?**  
19 MR. PREGON: Objection.  
20 A It's hard to tell what it is, to be honest with  
21 you.  
22 BY MR. DICELLO:  
23 **Q Go ahead. This is you here; correct?**  
24 A Yes.

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1 **Q And your hands are on his head; correct?**  
2 A One hand is behind his head, with my fingers  
3 underneath his head, yes.  
4 **Q Well, your left hand looks to be on --**  
5 A That's my left hand, yes.  
6 **Q Yeah. And it looks to be on his head and neck**  
7 **area; correct?**  
8 A No. It's on the backside of his head with my  
9 hand -- My hand is pretty good size.  
10 **Q Yeah.**  
11 A I'm sorry. And my fingers are going down  
12 towards -- so he -- so he don't beat his head against the  
13 concrete.  
14 **Q Okay.**  
15 A I'm not putting any pressure.  
16 **Q Is he trying to lift his head up?**  
17 A He was doing -- doing a lot of moving around,  
18 yes.  
19 **Q So you were preventing him from lifting his**  
20 **head up; correct?**  
21 A Correct.  
22 **Q You're familiar with what the recovery position**  
23 **is; correct? It kind of looks like the fetal position**  
24 **when you're laying on your side?**

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1 A Right.  
2 **Q Mr. Richardson at minute 17, he's not in the**  
3 **recovery position, is he?**  
4 MR. PREGON: Objection.  
5 A I can't tell from that angle.  
6 BY MR. DICELLO:  
7 **Q Well, you were there. I mean, while you were**  
8 **on his head, Mr. Richardson wasn't in the recovery**  
9 **position, was he?**  
10 A I don't recall.  
11 **Q This is Mr. Richardson's back right here;**  
12 **right?**  
13 A It's his shoulder right there.  
14 **Q Well, yeah.**  
15 A I didn't mean that, sorry.  
16 **Q That's okay. And this looks like it's**  
17 **someone's knee on his back and arm; right?**  
18 MR. PREGON: Objection.  
19 A No. Because -- Well, if you could move back to  
20 that. You can see where his knee was up and the body was  
21 still moving around.  
22 BY MR. DICELLO:  
23 **Q You think his knee is up there, huh?**  
24 A He was on his feet.

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1       **Q**   **Okay. So you don't think that this officer's**  
2       **knee --**  
3       A    No.  
4       **Q**   **-- is pinning his shoulder down?**  
5       A    No.  
6       **Q**   **And Mr. Richardson, I think you're going to**  
7       **tell, he's still on his side here; is that what you're**  
8       **telling us?**  
9       A    Looks to be, yes.  
10       **Q**   **His head is against the floor; right?**  
11       MR. PREGON: At 18:56?  
12       MR. DICELLO: Yeah.  
13       BY MR. DICELLO:  
14       **Q**   **It has been for a while now; right?**  
15       A    Right.  
16       **Q**   **So how is he laying on his side if his head is**  
17       **against the floor?**  
18       MR. PREGON: Objection.  
19       A    It looks like there's a towel or something.  
20       I'm not -- I don't want to touch that, because I think  
21       it's a touch screen. But there's something underneath his  
22       head so he don't bang. So it's not totally against the  
23       ground. We put blankets, sheets, whatever we can get  
24       ahold of, towels, underneath their heads.

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1       BY MR. DICELLO:  
2       **Q**   **It looks like this officer's right arm is in**  
3       **the middle of his back; agreed?**  
4       A    Yes.  
5       **Q**   **Where is his knee?**  
6       A    His left shoulder is up and his right shoulder  
7       is down.  
8       **Q**   **Where is that officer's knee?**  
9       A    Well, he's on his foot, so it looks like his  
10       knee -- I mean, he's not kneeling on him. It's just the  
11       angle of the camera. Because he's still moving around.  
12       If he was kneeling on him, he wouldn't be moving around.  
13       **Q**   **He's still moving?**  
14       A    Yeah, he's still moving. So he's not kneeling  
15       on him.  
16       MR. PREGON: Are we at a stopping point, Nick?  
17       I have something that I have to deal with. It will take  
18       me like ten minutes.  
19       MR. DICELLO: Yeah. I mean, I'd like to get  
20       him out of here. I don't have that much longer with him.  
21       But do what you got to do.  
22       MR. PREGON: Give me one minute and I'll step  
23       right back in.  
24       (Discussion held off the record.)

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1       BY MR. DICELLO:  
2       **Q**   **After this happened, did you talk with any of**  
3       **the other corrections officers about what happened?**  
4       A    Yeah.  
5       **Q**   **What did you guys talk about?**  
6       A    Just couldn't believe how it ended up, but I  
7       mean, it was nothing because of something we did.  
8       **Q**   **Who did you speak with?**  
9       A    Oh, I don't remember. That's three years ago.  
10       I have no idea.  
11       **Q**   **Did you do anything to find out how**  
12       **Mr. Richardson died yourself?**  
13       A    No.  
14       **Q**   **Why not?**  
15       A    That's -- I mean, I was never -- Usually  
16       they -- they tell us, you know, if we find someone dead in  
17       a cell or something, we get the coroner's report back.  
18       But I just never asked. I just don't know why. I just  
19       never asked.  
20       **Q**   **Mr. Richardson was under your care and custody**  
21       **and control; correct?**  
22       A    Correct.  
23       **Q**   **And to some extent, the Montgomery County**  
24       **Sheriff's Office and the folks at the jail were**

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1       **responsible for his well-being; agreed?**  
2       MR. PREGON: Objection.  
3       A    Yes.  
4       BY MR. DICELLO:  
5       **Q**   **That's the care part of the care, custody,**  
6       **control; right?**  
7       A    Right.  
8       **Q**   **And here you have this 28 -- Do you know how**  
9       **old he was?**  
10       A    I have no idea.  
11       **Q**   **Well, he was 28 years old.**  
12       A    Okay.  
13       **Q**   **And I'm telling you that for the first time?**  
14       A    I probably knew that, but I just didn't --  
15       **Q**   **So a 28-year-old member of our community died**  
16       **under the care, custody, and control of the jail; correct?**  
17       MR. PREGON: Objection.  
18       Go ahead.  
19       A    Yes.  
20       BY MR. DICELLO:  
21       **Q**   **Did you or to your knowledge the other**  
22       **corrections officers have any interest in understanding**  
23       **how and why he died while under your care, custody, and**  
24       **control?**

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1 MR. PREGON: Objection.</p> <p>2 Go ahead.</p> <p>3 A Other people probably knew. I just didn't -- I</p> <p>4 forgot to ask, apparently.</p> <p>5 BY MR. DICELLO:</p> <p>6 <b>Q Okay. Thanks. Those are all the questions I</b></p> <p>7 <b>have for you. I appreciate your time.</b></p> <p>8 A Thank you.</p> <p>9 MR. PREGON: You would have the right to read</p> <p>10 this over if it's ordered and transcribed. We'll go ahead</p> <p>11 and read it. So I won't let you waive that right.</p> <p>12 THE WITNESS: All right.</p> <p>13 - - -</p> <p>14 (Signature not waived.)</p> <p>15 - - -</p> <p>16 And, thereupon, the deposition was concluded at</p> <p>17 11:30 a.m.</p> <p>18 - - -</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p style="text-align: right;">Page 74</p>                                                                                                                                                                                                                                                                                                                                                                                                             | <p>1 State of _____</p> <p>2 County of _____</p> <p>3 I, KEITH MAYES, do hereby certify that I have</p> <p>4 read the foregoing transcript of my deposition given on</p> <p>5 November 17, 2015; that together with the correction page</p> <p>6 attached hereto noting changes in form or substance, if</p> <p>7 any, it is true and correct.</p> <p>8 _____</p> <p>9 KEITH MAYES</p> <p>10 I do hereby certify that the foregoing transcript</p> <p>11 of the deposition of KEITH MAYES was submitted to the</p> <p>12 witness for reading and signing; that after he had stated</p> <p>13 to the undersigned Notary Public that he had read and</p> <p>14 examined his deposition, he signed the same in my presence</p> <p>15 on the ____ day of _____, 2015.</p> <p>16 _____</p> <p>17 Notary Public</p> <p>18 My Commission Expires on _____</p> <p>19 - - -</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p style="text-align: right;">Page 76</p> |
| <p>1 December 3, 2015</p> <p>2 Dear Mr. Mayes,</p> <p>3 You have chosen to read and sign your transcript.</p> <p>4 Please do not mark on the transcript. Any</p> <p>5 corrections/changes you may desire to make in your</p> <p>6 testimony should be typewritten or printed on the errata</p> <p>7 sheet at the end of testimony, giving the page number,</p> <p>8 line number and desired correction/change. After you have</p> <p>9 read the transcript, sign your name on the correction</p> <p>10 sheet and where indicated at the close of testimony before</p> <p>11 a notary public.</p> <p>12 The Rules of Civil Procedure allow thirty days for</p> <p>13 you to read and sign. Please return the signature page</p> <p>14 and errata sheet to Whitney Layne, 6723 Cooperstone Drive,</p> <p>15 Dublin, Ohio 43017 within that time. Failure to do so in</p> <p>16 the allotted time will result in your transcript being</p> <p>17 used as though read and signed by you.</p> <p>18</p> <p>19 Sincerely,</p> <p>20 _____</p> <p>21 Whitney Layne</p> <p>22 Professional Reporter</p> <p>23</p> <p>24 Cc:</p> <p>Nick DiCello</p> <p>Carrie Starts</p> <p>Jamey Pregon</p> <p style="text-align: right;">Page 75</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

1 State of OHIO

2 County of Montgomery

3 I, KEITH MAYES, do hereby certify that I have  
4 read the foregoing transcript of my deposition given on  
5 November 17, 2015; that together with the correction page  
6 attached hereto noting changes in form or substance, if  
7 any, it is true and correct.

8

  
\_\_\_\_\_

9

KEITH MAYES

10 I do hereby certify that the foregoing transcript  
11 of the deposition of KEITH MAYES was submitted to the  
12 witness for reading and signing; that after he had stated  
13 to the undersigned Notary Public that he had read and  
14 examined his deposition, he signed the same in my presence  
15 on the 14 day of January, 2015.

16

  
\_\_\_\_\_

17

Notary Public

18 My Commission Expires on 12-10-17

19

- - -

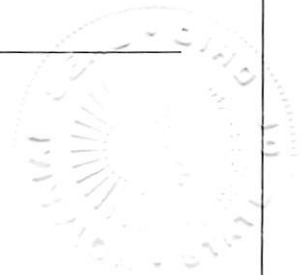
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1 TO THE REPORTER:

2 I have read the entire transcript of my deposition taken  
3 on the 17 day of January, 2016, or the same has been  
4 read to me. I request that the following changes be  
5 entered upon the record for the reasons indicated.

6

7 Page Line Correction and reason therefore

8 NO CHANGES

9

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23 Date 1/17/16 Signature Kent Mayes

24

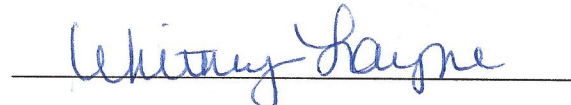
CERTIFICATE

State of Ohio :

County of Franklin:

I, Whitney Layne, Notary Public in and for the State of Ohio, duly commissioned and qualified, certify that the within named KEITH MAYES was by me duly sworn to testify to the whole truth in the cause aforesaid; that the testimony was taken down by me in stenotype in the presence of said witness; afterwards transcribed upon a computer; that the foregoing is a true and correct transcript of the testimony given by said witness taken at the time and place in the foregoing caption specified.

IN WITNESS WHEREOF, I have set my hand and affixed my seal of office at Dublin, Ohio, on this 3rd day of Decemer, 2015.



Whitney Layne, Notary Public

In and for the State of Ohio

My Commission expires May 4, 2020



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| <b>U</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>V</b>                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>X</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>0</b>                                                                                                                                                                                                  | <b>4</b>                                                                            |
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| <b>U</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>V</b>                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>X</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>0</b>                                                                                                                                                                                                  | <b>4</b>                                                                            |
| <b>Uh-huh</b> 19:17 34:18<br>58:22 63:17 65:20<br><b>uh-huhs</b> 6:3<br><b>unarmed</b> 28:24<br><b>uncomfortable</b> 48:9<br><b>uncommon</b> 12:2<br>46:16,22<br><b>undergone</b> 55:12<br><b>underneath</b> 68:3<br>70:21,24<br><b>undersigned</b> 76:13<br><b>understand</b> 5:10,13<br>6:9 7:2,4,8 16:16<br>19:15 20:17,19<br>21:1,3,23 27:16<br>27:18 28:19 31:20<br>31:22 37:14 38:8<br>38:17 47:15 53:2<br>55:15 56:20 60:19<br>61:20<br><b>understanding</b> 6:12<br>17:5 18:18 23:11<br>23:17 30:7 37:10<br>39:24 41:15 45:24                                                                                                                                                                                                                                        | <b>Value</b> 7:22<br><b>verbal</b> 56:18<br><b>version</b> 43:4<br><b>versions</b> 43:5<br><b>versus</b> 60:18<br><b>video</b> 11:18,20 12:8<br>25:5 41:8 45:20<br>47:23 58:19<br><b>Vine</b> 2:12<br><b>violated</b> 25:22<br><b>violent</b> 10:11,11<br>30:12 37:6<br><b>violently</b> 60:18<br><b>vital</b> 47:13<br><b>vitals</b> 54:13<br><b>voice</b> 6:23<br><b>vs</b> 1:7                                             | <b>Y</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>0</b>                                                                                                                                                                                                  | <b>4</b>                                                                            |
| <b>U</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>V</b>                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>X</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>0</b>                                                                                                                                                                                                  | <b>4</b>                                                                            |
| <b>Uh-huh</b> 19:17 34:18<br>58:22 63:17 65:20<br><b>uh-huhs</b> 6:3<br><b>unarmed</b> 28:24<br><b>uncomfortable</b> 48:9<br><b>uncommon</b> 12:2<br>46:16,22<br><b>undergone</b> 55:12<br><b>underneath</b> 68:3<br>70:21,24<br><b>undersigned</b> 76:13<br><b>understand</b> 5:10,13<br>6:9 7:2,4,8 16:16<br>19:15 20:17,19<br>21:1,3,23 27:16<br>27:18 28:19 31:20<br>31:22 37:14 38:8<br>38:17 47:15 53:2<br>55:15 56:20 60:19<br>61:20<br><b>understanding</b> 6:12<br>17:5 18:18 23:11<br>23:17 30:7 37:10<br>39:24 41:15 45:24                                                                                                                                                                                                                                        | <b>Value</b> 7:22<br><b>verbal</b> 56:18<br><b>version</b> 43:4<br><b>versions</b> 43:5<br><b>versus</b> 60:18<br><b>video</b> 11:18,20 12:8<br>25:5 41:8 45:20<br>47:23 58:19<br><b>Vine</b> 2:12<br><b>violated</b> 25:22<br><b>violent</b> 10:11,11<br>30:12 37:6<br><b>violently</b> 60:18<br><b>vital</b> 47:13<br><b>vitals</b> 54:13<br><b>voice</b> 6:23<br><b>vs</b> 1:7                                             | <b>Y</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>0</b>                                                                                                                                                                                                  | <b>4</b>                                                                            |
| <b>U</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>V</b>                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>X</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>0</b>                                                                                                                                                                                                  | <b>4</b>                                                                            |
| <b>Uh-huh</b> 19:17 34:18<br>58:22 63:17 65:20<br><b>uh-huhs</b> 6:3<br><b>unarmed</b> 28:24<br><b>uncomfortable</b> 48:9<br><b>uncommon</b> 12:2<br>46:16,22<br><b>undergone</b> 55:12<br><b>underneath</b> 68:3<br>70:21,24<br><b>undersigned</b> 76:13<br><b>understand</b> 5:10,13<br>6:9 7:2,4,8 16:16<br>19:15 20:17,19<br>21:1,3,23 27:16<br>27:18 28:19 31:20<br>31:22 37:14 38:8<br>38:17 47:15 53:2<br>55:15 56:20 60:19<br>61:20<br><b>understanding</b> 6:12<br>17:5 18:18 23:11<br>23:17 30:7 37:10<br>39:24 41:15 45:24                                                                                                                                                                                                                                        | <b>Value</b> 7:22<br><b>verbal</b> 56:18<br><b>version</b> 43:4<br><b>versions</b> 43:5<br><b>versus</b> 60:18<br><b>video</b> 11:18,20 12:8<br>25:5 41:8 45:20<br>47:23 58:19<br><b>Vine</b> 2:12<br><b>violated</b> 25:22<br><b>violent</b> 10:11,11<br>30:12 37:6<br><b>violently</b> 60:18<br><b>vital</b> 47:13<br><b>vitals</b> 54:13<br><b>voice</b> 6:23<br><b>vs</b> 1:7                                             | <b>Y</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>0</b>                                                                                                                                                                                                  | <b>4</b>                                                                            |
| <b>U</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>V</b>                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>X</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>0</b>                                                                                                                                                                                                  | <b>4</b>                                                                            |
| <b>Uh-huh</b> 19:17 34:18<br>58:22 63:17 65:20<br><b>uh-huhs</b> 6:3<br><b>unarmed</b> 28:24<br><b>uncomfortable</b> 48:9<br><b>uncommon</b> 12:2<br>46:16,22<br><b>undergone</b> 55:12<br><b>underneath</b> 68:3<br>70:21,24<br><b>undersigned</b> 76:13<br><b>understand</b> 5:10,13<br>6:9 7:2,4,8 16:16<br>19:15 20:17,19<br>21:1,3,23 27:16<br>27:18 28:19 31:20<br>31:22 37:14 38:8<br>38:17 47:15 53:2<br>55:15 56:20 60:19<br>61:20<br><b>understanding</b> 6:12<br>17:5 18:18 23:11<br>23:17 30:7 37:10<br>39:24 41:15 45:24                                                                                                                                                                                                                                        | <b>Value</b> 7:22<br><b>verbal</b> 56:18<br><b>version</b> 43:4<br><b>versions</b> 43:5<br><b>versus</b> 60:18<br><b>video</b> 11:18,20 12:8<br>25:5 41:8 45:20<br>47:23 58:19<br><b>Vine</b> 2:12<br><b>violated</b> 25:22<br><b>violent</b> 10:11,11<br>30:12 37:6<br><b>violently</b> 60:18<br><b>vital</b> 47:13<br><b>vitals</b> 54:13<br><b>voice</b> 6:23<br><b>vs</b> 1:7                                             | <b>Y</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>0</b>                                                                                                                                                                                                  | <b>4</b>                                                                            |
| <b>U</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>V</b>                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>X</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>0</b>                                                                                                                                                                                                  | <b>4</b>                                                                            |
| <b>Uh-huh</b> 19:17 34:18<br>58:22 63:17 65:20<br><b>uh-huhs</b> 6:3<br><b>unarmed</b> 28:24<br><b>uncomfortable</b> 48:9<br><b>uncommon</b> 12:2<br>46:16,22<br><b>undergone</b> 55:12<br><b>underneath</b> 68:3<br>70:21,24<br><b>undersigned</b> 76:13<br><b>understand</b> 5:10,13<br>6:9 7:2,4,8 16:16<br>19:15 20:17,19<br>21:1,3,23 27:16<br>27:18 28:19 31:20<br>31:22 37:14 38:8<br>38:17 47:15 53:2<br>55:15 56:20 60:19<br>61:20<br><b>understanding</b> 6:12<br>17:5 18:18 23:11<br>23:17 30:7 37:10<br>39:24 41:15 45:24                                                                                                                                                                                                                                        | <b>Value</b> 7:22<br><b>verbal</b> 56:18<br><b>version</b> 43:4<br><b>versions</b> 43:5<br><b>versus</b> 60:18<br><b>video</b> 11:18,20 12:8<br>25:5 41:8 45:20<br>47:23 58:19<br><b>Vine</b> 2:12<br><b>violated</b> 25:22<br><b>violent</b> 10:11,11<br>30:12 37:6<br><b>violently</b> 60:18<br><b>vital</b> 47:13<br><b>vitals</b> 54:13<br><b>voice</b> 6:23<br><b>vs</b> 1:7                                             | <b>Y</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>0</b>                                                                                                                                                                                                  | <b>4</b>                                                                            |
| <b>U</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>V</b>                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>X</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>0</b>                                                                                                                                                                                                  | <b>4</b>                                                                            |
| <b>Uh-huh</b> 19:17 34:18<br>58:22 63:17 65:20<br><b>uh-huhs</b> 6:3<br><b>unarmed</b> 28:24<br><b>uncomfortable</b> 48:9<br><b>uncommon</b> 12:2<br>46:16,22<br><b>undergone</b> 55:12<br><b>underneath</b> 68:3<br>70:21,24<br><b>undersigned</b> 76:13<br><b>understand</b> 5:10,13<br>6:9 7:2,4,8 16:16<br>19:15 20:17,19<br>21:1,3,23 27:16<br>27:18 28:19 31:20<br>31:22 37:14 38:8<br>38:17 47:15 53:2<br>55:15 56:20 60:19<br>61:20<br><b>understanding</b> 6:12<br>17:5 18:18 23:11<br>23:17 30:7 37:10<br>39:24 41:15 45:24                                                                                                                                                                                                                                        | <b>Value</b> 7:22<br><b>verbal</b> 56:18<br><b>version</b> 43:4<br><b>versions</b> 43:5<br><b>versus</b> 60:18<br><b>video</b> 11:18,20 12:8<br>25:5 41:8 45:20<br>47:23 58:19<br><b>Vine</b> 2:12<br><b>violated</b> 25:22<br><b>violent</b> 10:11,11<br>30:12 37:6<br><b>violently</b> 60:18<br><b>vital</b> 47:13<br><b>vitals</b> 54:13<br><b>voice</b> 6:23<br><b>vs</b> 1:7                                             | <b>Y</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>0</b>                                                                                                                                                                                                  | <b>4</b>                                                                            |
| <b>U</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>V</b>                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>X</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>0</b>                                                                                                                                                                                                  | <b>4</b>                                                                            |
| <b>Uh-huh</b> 19:17 34:18<br>58:22 63:17 65:20<br><b>uh-huhs</b> 6:3<br><b>unarmed</b> 28:24<br><b>uncomfortable</b> 48:9<br><b>uncommon</b> 12:2<br>46:16,22<br><b>undergone</b> 55:12<br><b>underneath</b> 68:3<br>70:21,24<br><b>undersigned</b> 76:13<br><b>understand</b> 5:10,13<br>6:9 7:2,4,8 16:16<br>19:15 20:17,19<br>21:1,3,23 27:16<br>27:18 28:19 31:20<br>31:22 37:14 38:8<br>38:17 47:15 53:2<br>55:15 56:20 60:19<br>61:20<br><b>understanding</b> 6:12<br>17:5 18:18 23:11<br>23:17 30:7 37:10<br>39:24 41:15 45:24                                                                                                                                                                                                                                        | <b>Value</b> 7:22<br><b>verbal</b> 56:18<br><b>version</b> 43:4<br><b>versions</b> 43:5<br><b>versus</b> 60:18<br><b>video</b> 11:18,20 12:8<br>25:5 41:8 45:20<br>47:23 58:19<br><b>Vine</b> 2:12<br><b>violated</b> 25:22<br><b>violent</b> 10:11,11<br>30:12 37:6<br><b>violently</b> 60:18<br><b>vital</b> 47:13<br><b>vitals</b> 54:13<br><b>voice</b> 6:23<br><b>vs</b> 1:7                                             | <b>Y</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>0</b>                                                                                                                                                                                                  | <b>4</b>                                                                            |
| <b>U</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>V</b>                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>X</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>0</b>                                                                                                                                                                                                  | <b>4</b>                                                                            |
| <b>Uh-huh</b> 19:17 34:18<br>58:22 63:17 65:20<br><b>uh-huhs</b> 6:3<br><b>unarmed</b> 28:24<br><b>uncomfortable</b> 48:9<br><b>uncommon</b> 12:2<br>46:16,22<br><b>undergone</b> 55:12<br><b>underneath</b> 68:3<br>70:21,24<br><b>undersigned</b> 76:13<br><b>understand</b> 5:10,13<br>6:9 7:2,4,8 16:16<br>19:15 20:17,19<br>21:1,3,23 27:16<br>27:18 28:19 31:20<br>31:22 37:14 38:8<br>38:17 47:15 53:2<br>55:15 56:20 60:19<br>61:20<br><b>understanding</b> 6:12<br>17:5 18:18 23:11<br>23:17 30:7 37:10<br>39:24 41:15 45:24                                                                                                                                                                                                                                        | <b>Value</b> 7:22<br><b>verbal</b> 56:18<br><b>version</b> 43:4<br><b>versions</b> 43:5<br><b>versus</b> 60:18<br><b>video</b> 11:18,20 12:8<br>25:5 41:8 45:20<br>47:23 58:19<br><b>Vine</b> 2:12<br><b>violated</b> 25:22<br><b>violent</b> 10:11,11<br>30:12 37:6<br><b>violently</b> 60:18<br><b>vital</b> 47:13<br><b>vitals</b> 54:13<br><b>voice</b> 6:23<br><b>vs</b> 1:7                                             | <b>Y</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>0</b>                                                                                                                                                                                                  | <b>4</b>                                                                            |
| <b>U</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>V</b>                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>X</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>0</b>                                                                                                                                                                                                  | <b>4</b>                                                                            |
| <b>Uh-huh</b> 19:17 34:18<br>58:22 63:17 65:20<br><b>uh-huhs</b> 6:3<br><b>unarmed</b> 28:24<br><b>uncomfortable</b> 48:9<br><b>uncommon</b> 12:2<br>46:16,22<br><b>undergone</b> 55:12<br><b>underneath</b> 68:3<br>70:21,24<br><b>undersigned</b> 76:13<br><b>understand</b> 5:10,13<br>6:9 7:2,4,8 16:16<br>19:15 20:17,19<br>21:1,3,23 27:16<br>27:18 28:19 31:20<br>31:22 37:14 38:8<br>38:17 47:15 53:2<br>55:15 56:20 60:19<br>61:20<br><b>understanding</b> 6:12<br>17:5 18:18 23:11<br>23:17 30:7 37:10<br>39:24 41:15 45:24                                                                                                                                                                                                                                        | <b>Value</b> 7:22<br><b>verbal</b> 56:18<br><b>version</b> 43:4<br><b>versions</b> 43:5<br><b>versus</b> 60:18<br><b>video</b> 11:18,20 12:8<br>25:5 41:8 45:20<br>47:23 58:19<br><b>Vine</b> 2:12<br><b>violated</b> 25:22<br><b>violent</b> 10:11,11<br>30:12 37:6<br><b>violently</b> 60:18<br><b>vital</b> 47:13<br><b>vitals</b> 54:13<br><b>voice</b> 6:23<br><b>vs</b> 1:7                                             | <b>Y</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>0</b>                                                                                                                                                                                                  | <b>4</b>                                                                            |
| <b>U</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>V</b>                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>X</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>0</b>                                                                                                                                                                                                  | <b>4</b>                                                                            |
| <b>Uh-huh</b> 19:17 34:18<br>58:22 63:17 65:20<br><b>uh-huhs</b> 6:3<br><b>unarmed</b> 28:24<br><b>uncomfortable</b> 48:9<br><b>uncommon</b> 12:2<br>46:16,22<br><b>undergone</b> 55:12<br><b>underneath</b> 68:3<br>70:21,24<br><b>undersigned</b> 76:13<br><b>understand</b> 5:10,13<br>6:9 7:2,4,8 16:16<br>19:15 20:17,19<br>21:1,3,23 27:16<br>27:18 28:19 31:20<br>31:22 37:14 38:8<br>38:17 47:15 53:2<br>55:15 56:20 60:19<br>61:20<br><b>understanding</b> 6:12<br>17:5 18:18 23:11<br>23:17 30:7 37:10<br>39:24 41:15 45:24                                                                                                                                                                                                                                        | <b>Value</b> 7:22<br><b>verbal</b> 56:18<br><b>version</b> 43:4<br><b>versions</b> 43:5<br><b>versus</b> 60:18<br><b>video</b> 11:18,20 12:8<br>25:5 41:8 45:20<br>47:23 58:19<br><b>Vine</b> 2:12<br><b>violated</b> 25:22<br><b>violent</b> 10:11,11<br>30:12 37:6<br><b>violently</b> 60:18<br><b>vital</b> 47:13<br><b>vitals</b> 54:13<br><b>voice</b> 6:23<br><b>vs</b> 1:7                                             | <b>Y</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>0</b>                                                                                                                                                                                                  | <b>4</b>                                                                            |
| <b>U</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>V</b>                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>X</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>0</b>                                                                                                                                                                                                  | <b>4</b>                                                                            |
| <b>Uh-huh</b> 19:17 34:18<br>58:22 63:17 65:20<br><b>uh-huhs</b> 6:3<br><b>unarmed</b> 28:24<br><b>uncomfortable</b> 48:9<br><b>uncommon</b> 12:2<br>46:16,22<br><b>undergone</b> 55:12<br><b>underneath</b> 68:3<br>70:21,24<br><b>undersigned</b> 76:13<br><b>understand</b> 5:10,13<br>6:9 7:2,4,8 16:16<br>19:15 20:17,19<br>21:1,3,23 27:16<br>27:18 28:19 31:20<br>31:22 37:14 38:8<br>38:17 47:15 53:2<br>55:15 56:20 60:19<br>61:20<br><b>understanding</b> 6:12<br>17:5 18:18 23:11<br>23:17 30:7 37:10<br>39:24 41:15 45:24                                                                                                                                                                                                                                        | <b>Value</b> 7:22<br><b>verbal</b> 56:18<br><b>version</b> 43:4<br><b>versions</b> 43:5<br><b>versus</b> 60:18<br><b>video</b> 11:18,20 12:8<br>25:5 41:8 45:20<br>47:23 58:19<br><b>Vine</b> 2:12<br><b>violated</b> 25:22<br><b>violent</b> 10:11,11<br>30:12 37:6<br><b>violently</b> 60:18<br><b>vital</b> 47:13<br><b>vitals</b> 54:13<br><b>voice</b> 6:23<br><b>vs</b> 1:7                                             | <b>Y</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>0</b>                                                                                                                                                                                                  | <b>4</b>                                                                            |
| <b>U</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>V</b>                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>X</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>0</b>                                                                                                                                                                                                  | <b>4</b>                                                                            |
| <b>Uh-huh</b> 19:17 34:18<br>58:22 63:17 65:20<br><b>uh-huhs</b> 6:3<br><b>unarmed</b> 28:24<br><b>uncomfortable</b> 48:9<br><b>uncommon</b> 12:2<br>46:16,22<br><b>undergone</b> 55:12<br><b>underneath</b> 68:3<br>70:21,24<br><b>undersigned</b> 76:13<br><b>understand</b> 5:10,13<br>6:9 7:2,4,8 16:16<br>19:15 20:17,19<br>21:1,3,23 27:16<br>27:18 28:19 31:20<br>31:22 37:14 38:8<br>38:17 47:15 53:2<br>55:15 56:20 60:19<br>61:20<br><b>understanding</b> 6:12<br>17:5 18:18 23:11<br>23:17 30:7 37:10<br>39:24 41:15 45:24                                                                                                                                                                                                                                        | <b>Value</b> 7:22<br><b>verbal</b> 56:18<br><b>version</b> 43:4<br><b>versions</b> 43:5<br><b>versus</b> 60:18<br><b>video</b> 11:18,20 12:8<br>25:5 41:8 45:20<br>47:23 58:19<br><b>Vine</b> 2:12<br><b>violated</b> 25:22<br><b>violent</b> 10:11,11<br>30:12 37:6<br><b>violently</b> 60:18<br><b>vital</b> 47:13<br><b>vitals</b> 54:13<br><b>voice</b> 6:23<br><b>vs</b> 1:7                                             | <b>Y</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>0</b>                                                                                                                                                                                                  | <b>4</b>                                                                            |
| <b>U</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>V</b>                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>X</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>0</b>                                                                                                                                                                                                  | <b>4</b>                                                                            |
| <b>Uh-huh</b> 19:17 34:18<br>58:22 63:17 65:20<br><b>uh-huhs</b> 6:3<br><b>unarmed</b> 28:24<br><b>uncomfortable</b> 48:9<br><b>uncommon</b> 12:2<br>46:16,22<br><b>undergone</b> 55:12<br><b>underneath</b> 68:3<br>70:21,24<br><b>undersigned</b> 76:13<br><b>understand</b> 5:10,13<br>6:9 7:2,4,8 16:16<br>19                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                           |                                                                                     |